

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NORTH JERSEY MEDIA GROUP INC.,

Plaintiff,

v.

FOX NEWS NETWORK, LLC,

Defendant.

Consolidated Actions:

13-cv-07153(ER)

14-cv-07630(ER)

**DECLARATION OF
KATY RICALDE**

I, **KATY RICALDE**, declare as follows:

1. I am an employee of Fox News Network, LLC (“Fox News”), where I work as a New Media Specialist and Assistant to Bret Baier, host of *Special Report with Bret Baier* (“*Special Report*”). I make this declaration from my personal knowledge.

2. I understand that in the course of this litigation NJMG has represented that I attended a meeting with Jason Ehrich, Fox News’ Vice President for Social Media, during which Ehrich gave a presentation about “Strategy for Social Media.” This is not true. I have never attended a presentation from Jason Ehrich regarding social media best practices and tips. When I said in my testimony (in response to over six hours of rapid-fire questioning from Plaintiff’s counsel that I found to be abusive and intimidating) that I met with Ehrich on November 1, 2013, I was mistaken about the date. The presentation I attended dealt with a different subject entirely, and took place in June 2014.

3. I only attended one presentation by Ehrich prior to the September 2014 Facebook post that is the subject of this lawsuit. During that presentation, Ehrich discussed a sophisticated software program that could be used to display audience Twitter postings (tweets) on-air during live programs. I did not reference the name of the software program (Mass Relevance/Spredfast)

during my testimony because we did not use it on *Special Report*, and because Plaintiff's counsel never asked.

4. During my deposition, Mr. Dunnegan asked me about a calendar invitation for a November 1, 2013 meeting with Ehrich on the topic of "Social Media Presentation – DC." After hours of Mr. Dunnegan's hostile and badgering questioning, I responded "Yes" to whether I had attended that presentation.

5. When Mr. Dunnegan asked follow-up questions about whether Ehrich's presentation discussed how best to post on social media, I repeatedly answered that I had never discussed that topic with Ehrich.

6. After my deposition, I learned that Jason Ehrich visited the Washington, D.C. bureau in June 2014. With the benefit of this information, I searched for and found an Outlook calendar invitation for a "Mass Relevance/Spredfast demo and training" on June 11, 2014. A true and correct copy of that calendar invitation is annexed hereto as **Exhibit A**. This calendar invitation did not turn up in my original search for calendar invitations for meetings with Ehrich because Ehrich's name was not mentioned in this invitation. Having now seen the June 11, 2014 calendar invitation, I am certain that I did not attend the November 1, 2013 meeting with Jason Ehrich about "Strategy for Social Media," and instead only attended the June 11, 2014 meeting about "Mass Relevance/Spredfast demo and training," because (1) I only attended one presentation by Ehrich before September 2014; and (2) as I previously testified, the presentation I attended concerned the Mass Relevance/Spredfast program and not best practices for social media.

7. I understand that in December 2015 Plaintiff obtained a Court order to allow it to depose me again specifically to ask me whether I had ever seen any presentation given by Ehrich

concerning "Strategy for Social Media." Apparently, Plaintiff decided that it did not want to ask me that question, because it never deposed me again after my first (and only) deposition on October 22, 2015. If Plaintiff had asked me this question directly, I would have testified to the foregoing.

I declare under the penalty of perjury that the foregoing is true and correct. Executed in Manchester, New Hampshire on February 8, 2016.


KATY RICALDE

EXHIBIT A

From: Rohrbeck, Douglas
Sent: Tuesday, June 10, 2014 12:41 PM
To: Vogel, Phil; Ricalde, Katy; Ksiazek, Whitney; Hill, Martin; Koerber, Ashley; Trabant, Anne; Cowin, Lauren Pick
Subject: Mass Relevance/Spredfast demo and training
When: Wednesday, June 11, 2014 1:00 PM-1:45 PM (UTC-05:00) Eastern Time (US & Canada).
Where: CHANGE - large conference room

Change of location – large conference room